

## REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 25, 40, 49 and 57 have been amended. Claims 37-39, 53 and 56 have been cancelled without prejudice. No new claims have been added. Therefore, claims 25-36, 40-52, 54-55 and 57-60 are now presented for examination. The following remarks are in response to the final Office Action mailed on June 8, 2005.

### 35 U.S.C. § 102 Rejection

Claims 25-30, 32-36, 40-43 and 45-48 stand rejected under 35 U.S.C. §102(b), as being anticipated by Junya, U.S. Patent No. 5,469,564 (“Junya”).

Junya discloses “[a] data storage device having the capability of preventing unauthorized access to data stored therein, including a memory, e.g., a flash EEPROM.” (Abstract). Junya further discloses a “comparing circuit [that] includes a digital comparator, an inverter and an *up/down counter* . . . [the] output of the comparator is applied to the up-counting terminal of the *up/down counter*.” (col. 3, lines 48-59; emphasis provided).

In contrast, claim 25, in pertinent part, recites “a bad password counter coupled with the internal processor to maintain a record of one or more invalid passwords, wherein if the bad password counter reaches a predetermined maximum value the internal processor stops processing password verification commands.” (emphasis provided). Junya does not teach or reasonably suggest that “if the bad password counter reaches a predetermined maximum value the internal processor stops processing password verification commands” as recited by claim 25. (emphasis provided). The up/down counter in Junya is not equivalent to the bad password counter, as recited by claim 25. Stated differently, the up/down counter in Junya is incremented

and decremented, while the bad password counter in claim 25 maintains a running total of bad passwords entered. Furthermore, the system in Junya does not teach or reasonably suggest stopping the processing of password verifications once a bad password counter reaches a predetermined maximum value. (see claim 25). Accordingly, for at least the reasons set forth above, Applicants respectfully request the withdrawal of the rejection of claim 25 and its dependent claims.

Claims 40 contains limitations similar to those of claim 25 and accordingly, Applicants respectfully request the withdrawal of the rejection of claim 40 and its dependent claims.

### **35 U.S.C. § 103 Rejection**

Claims 31, 44, 49-52, 54-55 and 57-60 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Junya, U.S. Patent No. 5,469,564 (“Junya”).

Claims 31, 44, 50-52, 54-55 and 58-60 depend from one of claims 25, 40, 49 and 57 and thus include the limitations of the independent claim from which they depend. While, claims 49 and 57 include limitations similar to those of claim 25, as discussed above. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 31, 44, 49-52, 54-55 and 57-60.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

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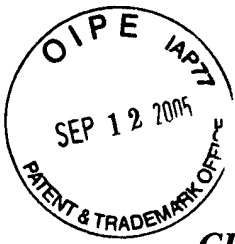
Respectfully submitted,

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Date: September 7, 2005

  
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Date: September 7, 2005

Debbie Casias  
Debbie Casias

9/7/05

**Date**